

REMARKS

Claims 1-13 are all the claims pending in the application. Reconsideration of the application and allowance of all claims are respectfully requested.

In the Request for Reconsideration filed June 9, 2009, applicant pointed out that

1. Considering each claimed "area" to be a 1m radius around each mobile phone does not satisfy the claim language since the claim requires that the system receives calls from any area and transmits said calls to the same area or another area, and Patterson cannot transmit to the "same area" if the area is considered to be the phone itself.

2. The only possible obvious application of the teachings of Schwendeman to Patterson would be to have multiple antennas in Patterson each radiating a respective cell. There is no possibility that anyone would have considered it obvious to have a separate antenna radiate each telephone, which would be necessary to satisfy the claim language if each "area" is a 1 m radius around each mobile phone.

3. If Patterson were modified to have separate antennas radiating each cell, there is still no teaching anywhere in Patterson of grouping calls from multiple earth fixed cells and routing them as a group, nor is there any suggestion in Schwendeman of doing this with its geographic areas.

In the Advisory Action, the examiner responds to these points by arguing that a one meter diameter for the "area" around each mobile phone was only an example, and that it could be larger, and could be around more than one mobile phone. But this does not make sense, could

only have been motivated by hindsight in a specific attempt to meet the claim language, and in any event at best only addresses point (1) above and has no effect whatsoever on the other points.

Schwendeman teaches a separate antenna for each earth fixed cell. But Schwendeman does not at all teach grouping calls together from mobile phones located in different earth fixed cells, i.e., there is no suggestion in Schwendeman of grouping together calls from mobile phones illuminated by different satellite antennas.

Patterson teaches a plurality of phones within a region illuminated by a satellite antenna, and the examiner finds support in Patterson for the claimed “grouping” by arbitrarily dividing a single satellite illumination region into “areas” around each phone, and since the phones are all illuminated by the same antenna, they may in some manner be considered “grouped.” But as soon as these arbitrary areas are illuminated by separate satellites in the modification proposed by the examiner, the only “grouping” in Patterson disappears.

The rejection must fail for at least two reasons. First, there is simply no suggestion in Schwendeman to modify Patterson such that a separate satellite would be used to illuminate a small region around a phone, whether it be one meter or one hundred meters in diameter. Lines 39-40 of column 2 of Schwendeman describe an example lobe as illuminating the entire Baltimore-Washington region. If one adopts the suggestion at lines 40-43 of column 2 of Schwendeman, the result would at best be separate satellites instead of separate lobes, so one would have a separate satellite illuminate a region such as the entire Baltimore-Washington region.

The only “grouping that occurs in Patterson is at best due to the fact that the calls are all from mobile phones illuminated by the same satellite. If Patterson were modified such that

multiple antennas were used each to illuminate a respective area, there might be grouping of calls within each area, but there is simply nothing to suggest grouping of calls in different areas illuminated by different satellites. Once the illumination region is split up into different satellite antennas, the “grouping” in Patterson disappears.

The examiner starts with a reference (Patterson) teaching separate antennas for each cell, then refers to Schwendeman which teaches a single satellite illuminating a very large area and suggests that separate antennas can be used for respective regions. A separate satellite region in Schwendeman is, e.g., the entire Baltimore-Washington region, which is already significantly larger than the size of a cell in Patterson (see, e.g., Fig. 2 of Patterson). There is simply no way that this would have taught one of skill in the art to use plural satellites to illuminate a single cell in Patterson. To say otherwise can only be based on hindsight. And if there is no more than one antenna per cell in Patterson, there is no grouping.

For the above reasons, it is again submitted that the examiner has not presented a prima facie case of obviousness, and it is requested that all claims be allowed.

Respectfully submitted,

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